IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR JUSTICE BILAL NAZKI

and
HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 8030 of 1991

Between:

K.Adeppa Reddy s/o Venku Reddy

Bus owner, Nellore

..... PETITIONER

AND

The Regional Transport Officer,

Nellore

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of mandamus directing the Regional Transport Officer, Nellore the respondent herein to consider the question of refund of excess of tax paid by the petitioner in respect of his vehicle APN 3478 since replaced by ATN 6919 plying on the town service route, Nellore Industrial Estate to Potlapudi for the period commencing from 1-7-1982 to 31-12-198 and from 1-1-1988 to 30-9-1988 and refund the same.

Counsel for the Petitioner: MR P.RAJAGOPALA CHARY

Counsel for the Respondent: SPL GP FOR TAXES

The Court made the following ORDER:

(per Hon'ble Sri Justice Bilal Nazki)

Having recalled the order dated 11-12-2002, this writ petition has been heard again.

In the counter-affidavit it has been stated that the amounts have already been refunded for the period 1-1-1985 to 31-12-1987. Petitioner wanted refund for the periods 1-7-1982 to 31-12-1984 and from 1-1-1988 to 30-9-1988. But in the counter-affidavit it has been stated that the petitioner was not entitled for the refund of the amount. In the earlier writ petition filed by the petitioner being writ petition No.9655 of 1982 the Court had directed that the petitioner was entitled for refund of excess amount paid for a period of three years preceding the date of supplemental application given by the petitioner. On these grounds the claim of the writ petitioner was rejected. We do not find any merit in the writ petition. It is accordingly dismissed.

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BILAL NAZKI, J

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S.ANANDA REDDY, J

August 5, 2004.

nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

The Regional Transport Officer,

Nellore

Spl Government Pleader for Taxes, High Court of A.P., Hyderabad. (OUT)

2 CD copies.